

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

DEANNA R. WOOD,

Plaintiff,

v.

CIVIL ACTION NO. 5:05-0683

JO ANNE B. BARNHART,
Commissioner of the Social
Security Administration,

Defendant.

MEMORANDUM OPINION AND JUDGMENT ORDER

By Standing Order entered on July 21, 2004, and filed in this case on August 22, 2005, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and recommendation. Magistrate Judge VanDervort submitted his proposed findings and recommendation on December 27, 2005. In that Proposed Findings and Recommendation, the magistrate judge recommended that this court (1) grant defendant's motion to remand, (2) remand this case to the Commissioner of Social Security for further administrative proceedings as specified in the Commissioner's motion to remand, and (3) direct the clerk to remove this case from the court's active docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. No party has filed objections within the

requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Thomas v. Arn, 474 U.S. 140 (1985); Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby (1) **GRANTS** defendant's motion to remand (Doc. No. 7), (2) **REMANDS** this case to the Commissioner of Social Security for further administrative proceedings as specified in the Commissioner's motion to remand, and (3) **DIRECTS** the clerk to remove this matter from the court's active docket.

The Clerk is directed to forward a certified copy of this memorandum opinion and order to all counsel of record and to Magistrate Judge VanDervort.

IT IS SO ORDERED this 2nd day of February, 2006.

ENTER:



David A. Faber
Chief Judge